

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiffs Counter-
defendant,

v.

APPLE INC.,

Defendant,
Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**[PROPOSED ORDER] GRANTING
ADMINISTRATIVE MOTION OF NON-
PARTY FACEBOOK, INC. TO SEAL
TRIAL EXHIBITS**

Hon. Yvonne Gonzalez Rogers

Trial: May 3, 2021

Before the Court is an Administrative Motion by non-party Facebook, Inc. (“Facebook”) to seal information in certain exhibits included on the trial exhibit list of Plaintiff Epic Games, Inc. Pursuant to Civil L.R. 79-5(e)(1), Facebook submitted the declaration of Vivek Sharma (“Sharma Decl.”) in support of the Administrative Motion identifying which documents Facebook seeks to seal in their entirety, which documents Facebook seeks to redact, and the justification for sealing these materials. Having considered the Administrative Motion, and any declarations and supporting documentation, thereto, the Court finds that there are “compelling reasons” for granting the motion to seal. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016).

Facebook seeks to seal two categories of information:

- Internal discussions among Facebook employees regarding Facebook’s strategy for negotiations with Apple regarding distribution of Facebook gaming apps, including regarding features of gaming apps that Facebook has considered but not released and estimates of the impact of those features on an app’s success; and
- Internal discussions among Facebook employees regarding Facebook’s strategy related to video, photo and messaging products that are not at issue in this case.

There are compelling reasons to seal this information because its disclosure would risk competitive harm to Facebook. Disclosure of information regarding Facebook’s strategies for distribution of its apps would cause Facebook harm by giving Apple and other app distributors information that they could use against Facebook in future business negotiations. Sharma Decl. ¶ 5. Disclosure of information regarding features of gaming products that Facebook considered but did not release, and the impact of those features on the success of its product, would cause Facebook competitive harm by revealing Facebook’s strategy for gaming products to potential competitors. Sharma Decl. ¶ 5.

The Administrative Motion, as modified by the Sharma Declaration, is **GRANTED** and it is hereby **ORDERED** that the following documents and portions thereof shall be filed under seal:

Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
---	---	--------

Document or Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
PX2411	Sharma Decl. ¶ 7	
PX2413	Sharma Decl. ¶ 9	
PX2414	Sharma Decl. ¶ 11	
PX2415	Sharma Decl. ¶ 11	

IT IS SO ORDERED.

DATED: _____, 2021

Honorable Yvonne Gonzalez Rogers
United States District Judge